

The Informant

Who Jumped Bail

LUCIEN CONEIN'S reported effort to establish an assassination program at the Drug Enforcement Administration was apparently frustrated before it could be tried out. But this program was perhaps only the most direct tactic designed for use in the drug war and the temporary setback did not deter him from pursuing other equally unconventional undertakings. One of the first and largest of these was the anomalous series of secret operations in South Florida code-named Deacon 1.

Deacon 1 was a response to DEA's discovery that the main drug traffickers in Southern Florida — particularly in cocaine — were Cuban exiles. This was a new challenge, for many of these opponents had been professionally trained in exfiltration and infiltration during the CIA's five-year secret war against Cuba in the early 1960s. The DEA found itself helpless against such experienced professionals. What really alarmed the drug agency was the discovery that some of these former CIA men were putting their old counterintelligence training to work against them. "We found that if we were following someone, someone was following us," explained a DEA official in Miami. "The Cubans were actually counter-surveilling us. They were just beating the pants off us."

The obvious solution to the problem was for DEA to hire its own Cuban exiles; hence Deacon 1, staffed exclusively by former CIA men. Deacon 1 was to be a prototype of the kind of CIA-Far East operation that Conein planned to initiate throughout the world. Three full-time DEA officials — all with CIA backgrounds — were assigned to direct a net of about 30 highly experienced Cubans. From the beginning, the program was kept secret, even from most of the officials in Conein's division. He ran it personally out of his office in Washington, passing orders through a Cuban veteran of the CIA who shuttled back and forth to Miami.

The drug world that narcotics officials are called upon to control deals in huge sums of money and is characterized by a total lack of scruples about corrupting or killing anyone who gets in the way of the traffickers. It is no wonder that government narcotics officials so often turn for assistance to figures as loathsome as the trade itself.

An argument can be made that no other kind of person can safely or effectively operate in such an environment. But just as a man is affected by the company he keeps, so too are drug officials and their programs twisted by the informants they employ. The story of Carlos Hernandez Rumbaut, one of Deacon 1's informants, shows how far just one such alliance can go.

LIKE MOST of the Cubans in Deacon 1, Carlos Hernandez had been at the Bay of Pigs. Apparently he first came to the attention of the old Bureau of Narcotics and Dangerous Drugs (BNDD) when he was arrested in Mobile in 1969 with 467 pounds of marijuana which he said he was going to sell in Miami. His trial, scheduled for April, 1971, was postponed when the judge determined that his mental state was disturbed.

With this curriculum vitae the BNDD regional office at Miami saw fit the following month to enlist him as a "Class 1 cooperating individual." He provided some useful information; in return, the bureau not only paid him \$150 but attempted to intercede on his behalf with the Alabama authorities. Unmoved, they jailed him pending a new trial. BNDD was thus forced to put Hernandez on an "inactive cooperating individual status."

He was then convicted and sentenced to 15 years. Not even this cooled the Miami office's ardor for Hernandez. He appealed but didn't have enough money to post his \$25,000 bond. Deacon 1's chief agent and Conein's right-hand man on the project solved the problem by arranging for one of Deacon 1's informants, a CIA veteran and a successful Cuban jeweler in Miami, to lend Hernandez \$12,500. He assured the jeweler that DEA was in effect guaranteeing the loan. As soon as Hernandez was released from jail, the Miami office put him back on active status.

At this point Hernandez had had enough of U.S. justice and fled to Costa Rica, where the government accorded his drug experience a very different recognition. Within weeks he was made an honorary member of the Costa Rican Narcotics Division, then promoted to captain and second in command by order of then President Jose Figueres. Soon after, he became Figueres' bodyguard.

All of this information comes from Hernandez' confidential DEA file, which includes CIA reports on Hernandez' conduct as a Costa Rican narcotics officer. One of these identifies him and a relative of President Figueres as members of a death squad that executed at least one narcotics trafficker in early 1973 and had sworn to kill more (a solution to the drug problem eerily reminiscent of the reported assassination program proposed by Conein for Mexico).

Hernandez' assassination effort as well as his other shady activities prompted U.S. Ambassador Viron P. Vaky to insist in May, 1973, that DEA discontinue its relationship with its informant. But Hernandez was now, for all practical purposes, the Costa Rican narcotics division and the DEA, loath to give up so strategically placed an asset, disregarded the ambassador's directive. In October, 1973, the Alabama courts denied Hernandez' appeal.

HERNANDEZ HAD no intention of returning to the United States to go to jail. Even so, the matter might simply have faded away were it not for the understandable anger of the Deacon 1 informant who had guaranteed half of Hernandez' bail. The jeweler, unwilling to forfeit his \$12,500, demanded that Hernandez make good his loss, and threatened to track him to Costa Rica if he didn't.

Hernandez, meanwhile, was still working with DEA, now in conjunction with its regional office in Mexico City. He told the drug agency that the American government was "treacherous" and he threatened to "eliminate" anyone who attempted to come after him. The embassy in Costa Rica became understandably nervous and asked DEA to resolve the dispute quietly. A special agent was dispatched to San Jose to soothe Hernandez. In a conciliatory mood, Hernandez at least agreed not to harm any American narcotics official.

The DEA's machinations to protect Hernandez were now forced to widen. DEA's New Orleans regional director was sent to persuade the attorney general of Alabama and the district attorney in Mobile to waive the appeal bond forfeiture. But the director's efforts angered the local prosecutor, Randy Butler, who not only refused to cooperate but made Hernandez an issue in his campaign, and threatened to tell the world if DEA made any further attempt to keep him out of jail.

And so in late 1973 Carlos Hernandez — Bay of Pigs veteran, convicted drug smuggler, DEA informant, Costa Rican narcotics ace, private executioner and presidential bodyguard — was preparing to become an international incident, ready to go off right in the middle of the post-Watergate furor, the moment the jeweler set foot in Costa Rica.

There was no way to appeal to the Costa Rican government for help. There was an election coming up but Hernandez' position in the country's narcotics division was so strong that no one felt he could be dislodged.

Something had to be done quickly. Conein's supervisor, George Belk, decided to pay the jeweler \$12,500 by dramatically increasing his monthly cash payments as an informant over the next year.

It would appear to have been a dangerous risk for Belk to authorize the payments, since they indirectly assisted a fugitive from a drug case. But Belk, when contacted, said there was nothing wrong with this. "Hernandez was a source at the time." But he "didn't work for me, he was working for the Costa Ricans. The guy who was working for us, who had provided the bond money, was the crux of the problem."

Meanwhile, one senior DEA official reports that Hernandez has twice since entered the United States, the proud bearer of an American diplomatic passport.

—GEORGE CRILE III